



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2617

DATE SCANNED 7/18/13

SCANNER NO. 2

SCAN OPERATOR EJS

13092690813



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2013 JAN 15 AM 9:24

January 14, 2013

**SENSITIVE**

**MEMORANDUM**

TO: The Commission

THROUGH: Alec Palmer *AP*  
Staff Director

FROM: Patricia C. Orrock *PCO*  
Chief Compliance Officer

Debbie Chacona *DC*  
Assistant Staff Director  
Reports Analysis Division

BY: Jodi Wirship  
Compliance Branch

SUBJECT: Reason to Believe Recommendation -  
Failure to File 48-Hour Notices under the Administrative Fine Program

Attached is the name of a principal campaign committee that has failed to file 48-hour notices with the Commission for contributions of \$1,000.00 or more received from the close of books for the California 12 Day Pre-Primary Report up to 48 hours before the June 5, 2012 Primary Election in accordance with 2 U.S.C. § 434(a) and 11 CFR. § 104.5(f). The committee, Liberators for Congress-2012, represents a candidate who lost the Primary Election. The committee is being referred for failing to file 48-hour notices for contributions totaling \$200,000.00.

A 48-hour notice is required to report all contributions of a \$1,000.00 or more, to any authorized committee of a candidate, including contributions from the candidate, loans from the candidate and other non-bank sources and endorsements or guarantees of loans from banks, as per 11 CFR § 104.5(f).

We have attached an information sheet which includes the contributor name, date of receipt and amount of the contributions for which a 48-hour notice was not filed.

In accordance with the schedule of civil money penalties outlined within 11 CFR § 111.44, this committee should be assessed the civil money penalty so indicated.

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**Recommendation**

1. Find reason to believe that the Liberatore for Congress-2012 and Louis G. Baglietto, Jr., Treasurer, violated 2 U.S.C. § 434(a) and make a preliminary determination that a civil money penalty of \$20,330.00 be assessed.
2. Send the appropriate letter.

**Attachment**

13092690815

**Contributions for Which a 48-Hour Notice Was Not Received**

**AF 2617**

**Committee ID: C00474114**

**Committee Name: Liberatore for Congress-2012**

**Report Type: July Quarterly Report (05/17/2012 – 06/30/2012)**

**48-Hour Reporting Period: 05/17/2012 – 06/02/2012**

<b>CONTRIBUTOR</b>	<b>DATE</b>	<b>AMOUNT</b>
PHILLIP LAURENCE LIBERATORE	5/17/2012	\$50,000.00
PHILLIP LAURENCE LIBERATORE	5/22/2012	\$50,000.00
PHILLIP LAURENCE LIBERATORE	5/30/2012	\$100,000.00
	<b>TOTAL</b>	<b>\$200,000.00</b>

**Proposed Civil Money Penalty: \$20,330.00 ((3 Notices Not Filed at \$110 each) + (10% of the Overall Contributions Not Filed))**

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13092690817

Federal Election Commission  
Reason to Believe Circulation Report  
48-Hour Notification Report

1/10/2013 9:19 AM

AF#	Committee ID	Committee Name	State	Election	Candidate Name	Treasurer	Prev Violations	Notices Not Filed	LOA	Penalty
2617	C00474114	LIBERATORE FOR CONGRESS-2012	CA	2012	LIBERATORE, PHILIP L.	LOUIS G. BAGLIETTO, JR.	0	3	\$200,000	\$20,330

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Reason To Believe – Failure to File 48-  
Hour Notices under the Administrative  
Fine Program (Liberatore for Congress-  
2012 and Louis G. Baglietto, Jr.,  
Treasurer)

)  
)  
) AF 2617  
)  
)  
)  
)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election  
Commission, do hereby certify that on January 16, 2013, the Commission  
decided by a vote of 6-0 to take the following actions in AF 2617:

1. Find reason to believe that the Liberatore for Congress-2012 and  
Louis G. Baglietto, Jr., Treasurer, violated 2 U.S.C. § 434(a) and  
make a preliminary determination that a civil money penalty of  
\$20,330.00 be assessed.
2. Send the appropriate letter.

Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and  
Weintraub voted affirmatively for the decision.

Attest:

January 17, 2013  
Date

Shawn Woodhead Werth  
Shawn Woodhead Werth  
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

January 17, 2013

Louis G. Baglietto, Jr., in official capacity as Treasurer  
Liberatore for Congress-2012  
16800 Valley View Ave  
La Mirada, CA 90638

C00474114  
AF#: 2617

Dear Mr. Baglietto, Jr.:

The Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431, *et seq.* ("the Act"), requires principal campaign committees of candidates for federal office to notify in writing either the Secretary of the Senate or the Federal Election Commission ("FEC"), and the Secretary of State, as appropriate, of any contribution of \$1,000 or more, received by any authorized committee of the candidate after the 20th day, but more than 48 hours before, any election. 2 U.S.C. § 434(a)(6)(A). The Act further requires notification to be made within 48 hours after the receipt of the contribution and to include the name of the candidate and office sought, the date of receipt, the amount of the contribution, and the identification of the contributor. *Id.* These notification requirements are in addition to all other reporting requirements. 2 U.S.C. § 434(a). Our records indicate that Liberatore for Congress-2012 did not submit 48-Hour Notices for contributions of \$1,000 or more, received between May 17, 2012 and May 30, 2012, totaling \$200,000, as required by 2 U.S.C. § 434(a)(6)(A). Attachment 1.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On January 16, 2013, the FEC found that there is Reason to Believe ("RTB") that Liberatore for Congress-2012 and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file the 48-Hour Notices. Based on the FEC's schedule of civil money penalties at 11 CFR § 111.44, the amount of your civil money penalty calculated at the RTB stage is \$20,330. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 2. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. The amount of the civil money penalty is \$110 for each non-filed notice plus 10 percent of the dollar amount of the contributions not timely reported. The civil money penalty increases by 25 percent for each prior violation. Send your payment of \$20,330 within forty (40) days of the finding, or by February 25, 2013.

At this juncture, the following courses of action are available to you:

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**1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty**

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or February 25, 2013. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

**2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge**

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Libertarians for Congress-2012 and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection

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Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

**3. If You Choose to Pay the Civil Money Penalty**

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 CFR § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact David Garr in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Ellen L. Weintraub  
Chair

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**ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 CFR § 111.44, the amount of your civil money penalty calculated at RTB is \$20,330 for the 2012 Primary Election 48-Hour Notification Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission  
P.O. Box 979058  
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox  
FEC #979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

The remittance and your payment are due by February 25, 2013. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

**PAYMENTS BY PERSONAL CHECK**

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**  
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FOR: Liberators for Congress-2012

FEC ID#: C00474114

AF#: 2617

PAYMENT DUE DATE: February 25, 2013

PAYMENT AMOUNT DUE: \$20,330

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**Contributions for Which a 48-Hour Notice Was Not Received**

**AF 2617**

**Committee ID: C00474114**

**Committee Name: Liberatore for Congress-2012**

**Report Type: July Quarterly Report (05/17/2012 – 06/30/2012)**

**48-Hour Reporting Period: 05/17/2012 – 06/02/2012**

CONTRIBUTOR	DATE	AMOUNT
PHILLIP LAURENCE LIBERATORE	5/17/2012	\$50,000.00
PHILLIP LAURENCE LIBERATORE	5/22/2012	\$50,000.00
PHILLIP LAURENCE LIBERATORE	5/30/2012	\$100,000.00
	TOTAL	\$200,000.00

**Proposed Civil Money Penalty: \$20,330.00 ((3 Notices Not Filed at \$110 each) + (10% of the Overall Contributions Not Filed))**

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# FEC OFFICE OF ADMIN REVIEW

2013 FEB 26 PM 1: 54

February 21, 2013

Federal Election Commission  
Office of Administrative Review  
999 E Street NW  
Washington D.C. 20463

In Re: C00474114, Liberatore for Congress-2012 AF#2617

On behalf of the Committee and pursuant to the proposed administrative penalty outlined in your letter of January 17, 2013 we make the following statement under penalty of perjury.

We acknowledge that the Committee failed to make the required 48-hour filings in accordance with the cited sections of the Act.

Unfortunately, a misunderstanding by the Committee that loans from the candidate were subject to the same 48-hr filing requirements as are contributions led to our failure to report the loans until the next subsequent filing.

We do however oppose the civil monetary judgment proposed based upon its calculation is inconsistent with Attachment 2 [11 CFR 11.43 (a)] of your letter which would seemingly be  $\$6500 \times 1 + (.25 \times \# \text{ of Previous Violations } (0))$ . In essence, we believe the correct penalty for our level of violation (\$200,000), and given that these reports are not defined as election-sensitive, would be \$6500. We respectfully request that the Commission modify its proposed civil monetary judgment and we will accept and pay it in a timely fashion.

At this time we waive our right to counsel in this matter.

Sincerely,



Louis G. Baglietto, Jr.  
In my official capacity as Treasurer  
Liberatore for Congress-2012

Long Beach, California 90814

13092690824



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Via First Class Mail

February 26, 2013

Louis G. Baglietto, Jr., in official capacity as Treasurer  
Liberatore for Congress-2012

Long Beach, CA 90814

C00474114

AF#: 2617

Dear Mr. Baglietto:

On February 25, 2013, the Commission received your written response ("challenge") which is being reviewed by the Office of Administrative Review. If you have any questions regarding your challenge, please contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,

*Rhiannon Magruder*

Rhiannon Magruder  
Acting Reviewing Officer  
Office of Administrative Review

13092690825

**Date:** March 5, 2013

**REFERRAL TO OFFICE OF ADMINISTRATIVE REVIEW  
CHALLENGE RECEIVED**

**AF#: 2617**

**Committee Name:** Liberators for Congress-2012

**Committee ID#:** C00474114

**Committee Address (if different than in RTB letter):** N/A

**Treasurer Name (if different than in RTB finding):** N/A

**Attachments:**

**Copy of RTB Circulation Report, dated January 14, 2013 and RTB Certification, dated January 17, 2013 (Y/N): Y**

**Attachment #: 1**

**Proof of Delivery (to be forwarded at later date if not yet received) (Y/N): Y**

**Attachment #: 2**

**Other Relevant Telecoms (Y/N): N**

**Attachment #: N/A**

**Original Correspondence Received by RAD in Response to RTB Letter (Y/N): N**

**Attachment #: N/A**

**RAD Staff Declaration (Y/N): Y**

**-2012 12 Day Pre-Primary Report Notice (California), dated April 30, 2012.**

**-RFAI Letter, dated September 26, 2012.**

**-RTB Letter, dated January 17, 2013.**

**Attachment #: 4**

**Other RAD Information: (Y/N): N**

**Attachment#: N/A**

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1/22/13

UPS: Tracking Information



**Proof of Delivery**

[Close Window](#)

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

<b>Tracking Number:</b>	1ZWF5860A293463970
<b>Service:</b>	UPS Next Day Air®
<b>Special Instructions:</b>	ADULT SIGNATURE REQUIRED
<b>Shipped/Billed On:</b>	01/16/2013
<b>Delivered On:</b>	01/18/2013 10:07 A.M.
<b>Delivered To:</b>	LA MIRADA, CA, US
<b>Signed By:</b>	SIMONA
<b>Left At:</b>	Front Desk

Thank you for giving us this opportunity to serve you.

Sincerely,

UPS

Tracking results provided by UPS: 01/22/2013 1:44 P.M. ET

[Print This Page](#)

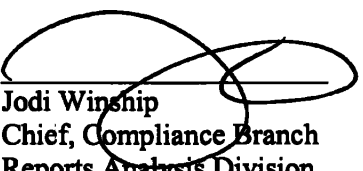
[Close Window](#)

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Attachment 2

## DECLARATION OF JODI WINSHIP

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent to to Liberatore for Congress-2012:
  - A) Report Notice, dated April 30, 2012 referencing the reporting requirements of 48-Hour Notices (sent via electronic mail to: lbaglietto@yahoo.com);
  - B) Request for Additional Information Letter, dated September 26, 2012, referencing the missing 48-Hour Notices;
  - C) Reason-to-Believe Letter, dated January 17, 2013 referencing the missing 2012 48-Hour Notices.
3. I hereby certify that I have searched the Commission's public records and find that Liberatore for Congress-2012 did not file the 48-Hour Notices with the Commission.
4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 5<sup>th</sup> day of March, 2013.



Jodi Winship  
Chief, Compliance Branch  
Reports Analysis Division  
Federal Election Commission

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# PRIMARY ELECTION REPORT NOTICE

FEDERAL ELECTION COMMISSION

CALIFORNIA

April 30, 2012

## POLITICAL COMMITTEES INVOLVED IN THE PRIMARY (06/05/12):

REPORT	REPORTING PERIOD	REG/CERT & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Pre-Primary	04/01/12 - 05/16/12	05/21/12	05/24/12
48-Hour Notices	05/17/12 - 06/02/12	-- CA primary candidates only -- see filing info --	
July Quarterly	05/17/12 - 06/30/12	07/15/12	07/15/12 <sup>2</sup>

## WHO MUST FILE

The following committees must file the California Pre-Primary Report:

- **Principal campaign committees** of congressional candidates (including unopposed candidates and candidates whose names do not appear on the ballot) who seek election in the primary election must file the above reports and notices.
- **PACs and party committees** filing on a quarterly basis in 2012 are subject to pre-election reporting if they make previously undisclosed contributions or expenditures (including independent expenditures) in connection with an election by the close of books of the applicable report(s).

Supplemental Filing Information is available:

- **Congressional Committees**
- **Parties and PACs**

**Additional information for California Campaign Committees -- click here**

<sup>1</sup> These dates indicate the beginning and end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

<sup>2</sup> Notice that this filing deadline falls on a weekend or federal holiday. Filing deadlines are not extended when they fall on nonworking days. Accordingly, reports filed by methods other than registered, certified or overnight mail, or electronically, must be received before the Commission's (or the Secretary of the Senate's) close of business on the last business day before the deadline.

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## 2012 SUPPLEMENTAL FILING INFORMATION CONGRESSIONAL COMMITTEES

**PLEASE NOTE:** The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

### WHO MUST FILE

Principal campaign committees of congressional candidates <sup>1</sup> (including unopposed candidates and candidates whose names do not appear on the ballot) must file Quarterly Reports in 2012. <sup>2</sup>

Campaigns that raise or spend more than \$5,000 for the 2012 election cycle (and thus trigger registration and reporting requirements) must file quarterly reports throughout 2012, even if the candidate plans to retire, withdraws from the race prior to the primary election, loses the primary or drops out of the race prior to the general election. See 11 CFR 104.5(a)(2).

Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

### METHODS OF FILING REPORTS

#### Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. See 11 CFR 104.5(e). See also 11 CFR 104.18 and 100.19.

- Web Page: [Electronic Filing Page](#)
- *Campaign Guide for Congressional Candidates and Committees (Candidate Guide)*, pp. 83-86 [PDF]

#### Paper Filing - Meeting the Filing Deadline

Paper Report filing options -- Registered, Certified or Overnight or First Class Mail.

See 11 CFR 104.5(e). See also 11 CFR 100.19.

- Web Page: [Link to Paper Forms](#) (for downloading and printing)
- *Candidate Guide*, p. 82 [PDF]

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<sup>1</sup> Generally, an individual becomes a candidate for federal office (and thus triggers registration and reporting obligations) when his or her campaign exceeds \$5,000 in either contributions or expenditures. If the campaign has not crossed the \$5,000 threshold, it is not required to file reports. See 11 CFR 100.3(a). See also 11 CFR 104.5(a).

<sup>2</sup> If a candidate has more than one authorized committee, the principal campaign committee files a consolidated report on Form 3Z [PDF]. See 11 CFR 104.3(f).

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## PRE- AND POST-ELECTION REPORTS

The principal campaign committee of any candidate participating in a 2012 state primary, nominating convention or runoff election – even if unopposed – must also file a pre-election report 12 days prior to the primary, nominating convention or runoff. The principal campaign committee of a candidate who participates in the general election must file pre- and post-general election reports. See 11 CFR 104.5(a)(2).

- Web Page: 2012 Congressional Pre-Primary Reporting Dates
- The Record:
  - FEC Record Blog: Reporting
  - January 2012 issue [PDF]
- Candidate Guide, pp. 81-82 [PDF]

## COMPLIANCE

### Treasurer Responsibility

Committee Treasurers are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time. See 11 CFR 104.14(d).

- Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings [PDF]
- Candidate Guide, pp. 7-9 [PDF]

### Administrative Fine Program

Political committees and their treasurers who fail to file their reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- and non-filers).<sup>3</sup> See generally, 11 CFR Part 111 Subpart B. See also 11 CFR 111.43.

- Web Page: Administrative Fine Program
- Candidate Guide, pp. 82-83 [PDF]

## IMPORTANT FILING INFORMATION - PAPER FILERS

In response to the 2001 anthrax threat, the U.S. Postal Service is irradiating mail directed to many federal agencies, including the FEC and the Secretary of the Senate.<sup>4</sup> This process has not only delayed mail delivery, it has also damaged and in some cases destroyed pieces of mail. As a result, committees that file reports with the FEC may want to consider submitting their reports by some means other than U.S. mail. Alternative methods include electronic filing, overnight mail or delivery service, and hand delivery.

<sup>3</sup> Penalties for late- or non-filing of 48-hour notices are based on the amount of contributions not timely disclosed. As a result, these penalties may exceed \$17,600, even for first-time violations.

<sup>4</sup> Senate committees should contact the Secretary of the Senate at (202) 224-0322 for more information on filing reports via US mail.

## 2012 REPORTING SCHEDULE

- Web Page: [2012 Reporting Dates Page](#)
- The Record:
  - [FEC Record Blog: Reporting](#)
  - [January 2012 issue \[PDF\]](#)
- [Candidate Guide, p. 83 \[PDF\]](#)

## DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

Campaign committees must file [FEC Form 3L \[PDF\]](#) if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of \$16,700 during the applicable reporting period ([see page 1 of this notice](#)). See 11 CFR 104.22 and 110.17(f).

- The Record: [March 2009 issue \[PDF\]](#)
- [Candidate Guide, Appendix F, pp. 155-161 \[PDF\]](#)

## SUPPLEMENTAL FILING INFORMATION CALIFORNIA CAMPAIGN COMMITTEES ONLY

### 48 HOUR NOTICES ON CONTRIBUTIONS

The principal campaign committee must file notices if any authorized committees receive any contribution (including in-kind gifts or advances of goods or services; loans from the candidate or other non-bank sources; and guarantees or endorsements of bank loans to the candidate or committee) of \$1,000 or more per source, during the period of May 17 through June 2, 2012.

The notices must reach the appropriate federal filing office within 48 hours of the committee's receipt of the contribution(s). Campaign committees that file electronically **MUST** submit their 48-hour notices electronically. See [11 CFR 104.5\(f\)](#).

- Web Page: [Link to Paper Forms](#) (for downloading and printing)
- Web Page: [Link to Web Form 6](#) (for online submission)
- Form 6 Fax numbers
  - Senate campaigns (Secretary of the Senate): (202) 224-1851
  - House Campaigns (FEC): (202) 219-0174
- Campaign Guide: [Candidate, p. 81 \[PDF\]](#).

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FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100

## 2012 SUPPLEMENTAL FILING INFORMATION PACs AND PARTY COMMITTEES

**PLEASE NOTE:** The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

### WHO MUST FILE

All Party Committees and PACs (Nonconnected Committees and Separate Segregated Funds) must file either quarterly or monthly reports in 2012. See 11 CFR 104.5(c). Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

### METHODS OF FILING REPORTS

#### Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. See 11 CFR 104.5(e). See also 11 CFR 104.18 and 100.19.

- Web Page: Electronic Filing Page
- Campaign Guide: Nonconnected Committees (Nonconnected), pp. 51-53 [PDF]; Corporations and Labor Organizations (SSF), pp. 49-51 [PDF]; Political Party Committees (Party), pp. 69-71 [PDF].

#### Paper Filing – Meeting the Filing Deadline

Paper report filing options – Registered, Certified or Overnight or First Class Mail. See 11 CFR 104.5(e). See also 11 CFR 100.19.

- Web Page: Link to Paper Forms (for downloading and printing)
- Campaign Guide: Nonconnected, pp. 47-48 [PDF]; SSF, pp. 45-46 [PDF]; Party, p. 65 [PDF].

### CHANGE IN FILING FREQUENCY

Committees able to change their reporting schedule (for example, from monthly to quarterly) who wish to do so must notify the Commission in writing and may change their filing frequency no more than once per calendar year. See 11 CFR 104.5(c).

- Web Page: Filing Frequency by Type of Committee
- Campaign Guide: Nonconnected, p. 51 [PDF]; SSF, p. 49 [PDF]; Party, p. 67 [PDF].

### 2012 REPORTING SCHEDULE

- Web Page: 2012 Reporting Dates Page
- The Record:
  - FEC Record Blog: Reporting
  - January 2012 issue [PDF]
- Campaign Guide: Nonconnected, pp. 49-51 [PDF]; SSF, pp. 46-48 [PDF]; Party, pp. 67-68 [PDF].

## PRE-ELECTION REPORTING

Quarterly filing committees that make contributions or expenditures (including independent expenditures) in connection with an election must also file a Pre-Election Report, if the activity was not previously reported. See 11 CFR 104.5(c)(1)(ii).

- Web Page: 2012 Congressional Pre-Primary Reporting Dates Page
- The Record:
  - FEC Record Blog: Reporting
  - January 2012 issue [PDF]
- Campaign Guide: Nonconnected, pp. 49-51 [PDF]; SSF, pp. 46-48 [PDF]; Party, pp. 67-68 [PDF].

## COMPLIANCE

### Treasurer Responsibility

Committee treasurers are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time. See 11 CFR 104.14(d).

- Statement of Policy Regarding Treasurers Subject to Enforcement Proceeding [PDF]
- Campaign Guide: Nonconnected, pp. 3-4 [PDF]; SSF, pp. 1-2 [PDF]; Party, pp. 6-7 [PDF].

### Administrative Fine Program

Failure to file reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- or non-filers). See 11 CFR 111.43(b). See generally, 11 CFR Part 111 Subpart B. See also 11 CFR 111.43.

- Web Page: Administrative Fine Program Page
- Campaign Guide: Nonconnected, pp. 48-49 [PDF]; SSF, p. 46 [PDF]; Party, p. 66 [PDF].

## DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

Party committees and Leadership PACs must file FEC Form 3L [PDF] if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of \$16,700 during the applicable reporting period (see page 1 of this notice). See 11 CFR 104.22 and 11 CFR 110.17(f).

- The Record: March 2009 issue [PDF]

## 48- AND 24-HOUR REPORTS OF INDEPENDENT EXPENDITURES

Any PAC or Party Committee that makes independent expenditures in 2012 may have to disclose this activity within 48- or 24-hours based upon the date and amount of the expenditure.

See 11 CFR 104.4(b)(2) and (c). See generally, 11 CFR 104.4.

- Web Page: State-by-state chart of 2012 48- and 24-hour periods for independent expenditures
- Campaign Guide: Nonconnected, pp. 72-74 [PDF]; SSF, pp. 65-67 [PDF]; Party, pp. 87-89 [PDF].

These reports are not required when a PAC or Party Committee makes a contribution directly to a candidate.

---

FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1400



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

September 26, 2012

LOUIS G. BAGLIETTO, JR., TREASURER  
LIBERATORE FOR CONGRESS-2012  
16800 VALLEY VIEW AVENUE  
LA MIRADA, CA 90638

Response Due Date

10/31/2012

IDENTIFICATION NUMBER: C00474114

REFERENCE: JULY QUARTERLY REPORT (05/17/2012 - 06/30/2012)

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **Failure to adequately respond by the response date noted above could result in an audit or enforcement action.** Additional information is needed for the following 2 item(s):

1. The totals listed on Line(s) 6(a), 6(c), 7(a), 7(c), 11(a)(iii), 11(c), 11(e), 13(a), 13(c), 16, 17 and 22, Column B of the Summary and Detailed Summary Pages appear to be incorrect. Column B figures for the Summary and Detailed Summary Pages should equal the sum of the Column B figures on your previous report and the Column A figures on this report. Please file an amendment to your report to correct the Column B discrepancies for this report and all subsequent report(s) which may be affected by this correction. Note that Column B should reflect only the election cycle-to-date totals (11/3/10 through 11/6/12). (2 U.S.C. § 434(b) and 11 CFR § 104.3)

2. Schedule A of your report indicates that your committee may have failed to file one or more of the required 48-hour notices regarding "last minute" contributions received by your committee after the close of books for the 12-Day Pre-Primary Report (see attached). A principal campaign committee must notify the Commission, in writing, within 48 hours of any contribution of \$1,000 or more received between two and twenty days before an election. These contributions are then reported on the next report required to be filed by the committee. To ensure that the Commission is notified of last minute contributions of \$1,000 or more to your campaign, it is recommended that you review your procedures for checking contributions received during the aforementioned time period. The failure to file 48-hour notices may result in civil money penalties or legal enforcement action. If any contribution of \$1,000 or more was incorrectly reported, you must amend your original report

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LIBERATORE FOR CONGRESS-2012

Page 2 of 2

with the clarifying information. (11 CFR § 104.5(f))

**Please note, you will not receive an additional notice from the Commission on this matter.** Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action. **Requests for extensions of time in which to respond will not be considered.**

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended.

If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1161.

Sincerely,



Christopher Whyrick  
Senior Campaign Finance Analyst  
Reports Analysis Division



Contributor Name	Date	Amount	Election
Liberatore, Phillip Laurence	5/17/12	\$50,000.00	P2012
Liberatore, Phillip Laurence	5/22/12	\$50,000.00	P2012
Liberatore, Phillip Laurence	5/30/12	\$100,000.00	P2012

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2013 MAR -8 PM 3: 19

**SENSITIVE**

March 8, 2013

**MEMORANDUM**

To: The Commission

Through: Alec Palmer *AP*  
Staff Director

From: Patricia C. Orrock *PCO*  
Chief Compliance Officer

Rhiannon Magruder *RM*  
Acting Reviewing Officer  
Office of Administrative Review

Subject: Reviewing Officer Recommendation in AF# 2617 – Liberatore for  
Congress-2012 and Louis G. Baglietto, Jr., in his official capacity as  
Treasurer (C00474114)

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to the respondents in accordance with 11 C.F.R. § 111.36(f). The respondents may file with the Commission Secretary a written response within 10 days of transmittal of the recommendation.

After the 10 day period, the Reviewing Officer Recommendation and the respondents' written response, if any, will be circulated to the Commission to make a final determination.

Attachment

13092690838



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

March 8, 2013

**REVIEWING OFFICER RECOMMENDATION  
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

**AF# 2617 – Liberatore for Congress-2012 and Louis G. Baglietto, Jr., in his official capacity  
as Treasurer (C00474114)**

**Summary of Recommendation**

Make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a \$20,330 civil money penalty.

**Reason-to-Believe Background**

On January 16, 2013, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Liberatore for Congress-2012 and Louis G. Baglietto, Jr., in his official capacity as Treasurer ("the respondents"), violated 2 U.S.C. § 434(a) for failing to file 48-Hour Notices for 3 contributions totaling \$200,000 for the 2012 California Primary Election and made a preliminary determination that the civil money penalty was \$20,330 based on the schedule of penalties at 11 C.F.R. § 111.44. A letter, dated January 17, 2013, was sent to the respondents' address of record by the Reports Analysis Division ("RAD") to notify them of the Commission's RTB finding and civil money penalty.

**Legal Requirements**

The Federal Election Campaign Act ("Act") requires that the principal campaign committee of a candidate must notify the Commission, in writing, of any contribution of \$1,000 or more received after the 20<sup>th</sup> day but more than 48 hours before an election. The principal campaign committee must notify the Commission within 48 hours of receipt of the contribution. The 48-hour notification shall be in addition to all other reporting requirements under the Act. 2 U.S.C. § 434(a)(6)(A) and 11 C.F.R. § 104.5(f). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

**Respondents' Challenge**

On February 25, 2013, the Commission received the written response ("challenge") from the Treasurer challenging the RTB penalty. The Treasurer states the Committee was not aware candidate loans were subject to 48-Hour Notice reporting requirements and acknowledges their error. The respondents believe the RTB penalty was incorrectly calculated and should be \$6,500 per 11 C.F.R. § 11.43(a).

**Analysis**

Commission records show that on May 9, 2012, the Primary Election Report Notice, which includes the reporting requirements of 48-Hour Notices, was sent via email to

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"lbaglietto@yahoo.com," the email address disclosed on the Committee's Statement of Organization. Page four of the Notice explains that 48-Hour Notices are required if the Committee receives any contributions (including loans from the candidate) of \$1,000 or more per source, during the period of May 17 through June 2, 2012.

11 C.F.R. § 100.52(a) defines a contribution to be a gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office. Given that candidate loans are defined as contributions, 48-Hour Notices were required for the May 17, May 22, and May 30 candidate loans of \$50,000, \$50,000, and \$100,000, respectively, as they all exceeded \$1,000 and occurred during the May 17 to June 2 48-Hour Notice window for the California Primary.

While the respondents contend the penalty is incorrect per 11 C.F.R. § 111.43(a), the civil money penalty calculation for 48-Hour Notices is contained at 11 C.F.R. § 111.44. The calculation is \$110 plus 10% of the amount of the contributions not reported on each 48-Hour Notice. The respondents failed to file 48-Hour Notices for three contributions totaling \$200,000, which were received on three days (May 17, May 22, and May 30); therefore, the respondents failed to file three 48-Hour Notices. The amount of the civil money penalty is  $(\$110 \times 3) + (.10 \times \$200,000)$  or \$20,330. Thus, the penalty was calculated correctly in the RTB letter.

Their challenge fails to address any of the three valid grounds for challenging enumerated at 11 C.F.R. § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances. Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$20,330.

#### **OAR Recommendations**

- (1) Adopt the Reviewing Officer recommendation for AF# 2617 involving Liberatore for Congress-2012 and Louis G. Baglietto, Jr., in his official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2617 that Liberatore for Congress-2012 and Louis G. Baglietto, Jr., in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$20,330; and
- (3) Send the appropriate letter.

Acting Reviewing Officer: Rhiannon Magruder

#### **Attachments**

- Attachment 1 – Challenge Received from Respondents
- Attachment 2 –
- Attachment 3 – Declaration from RAD
- Attachment 4 – Declaration from OAR

### DECLARATION OF RHIANNON MAGRUDER

- 1) I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
- 2) The principal campaign committee of a candidate must file notifications disclosing contributions of \$1,000 or more which are received between May 17 and June 2, 2012. These notifications (also called 48-Hour Notices) must be filed with the Commission within 48 hours of the committee's receipt of the contribution(s).
- 3) It is the practice of the Reports Analysis Division to document all calls to or from committees regarding a letter they receive or any questions relating to the administrative fine regulations, including due dates of reports and filing requirements.
- 4) I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of Page 1 of the Summary Page and 1 page of Schedule A for the 2012 July Quarterly Report filed by Liberatore for Congress-2012 and Louis G. Baglietto, Jr., in his official capacity as Treasurer. According to the Commission's records, the report covers the period from May 17 through June 30, 2012, and was received on July 17, 2012. Schedule A lists the receipt of 3 contributions totaling \$200,000 on May 17, 22, and 30, 2012. Each contribution equals \$1,000 or more.
- 5) Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington, D.C. on the 8<sup>th</sup> day of March, 2013.



Rhiannon Magruder  
Acting Reviewing Officer  
Office of Administrative Review  
Federal Election Commission

**FEC  
FORM 3****REPORT OF RECEIPTS  
AND DISBURSEMENTS**  
For An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) TYPE OR PRINT ▼ Example: If typing, type over the lines. 12FE4M5

Liberators for Congress-2012

ADDRESS (number and street)

16800 Valley View Ave

Check if different  
than previously  
reported. (ACC)

La Mirada

CA

90638

2. FEC IDENTIFICATION NUMBER ▼

C C00474114

CITY ▲

STATE ▲

ZIP CODE ▲

STATE ▼ DISTRICT

3. IS THIS  
REPORT

X

NEW  
(N)

OR

AMENDED  
(A)

CA

08

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

X July 15 Quarterly Report (Q2)

October 15 Quarterly Report (Q3)

January 31 Year-End Report (YE)

Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

M M / D D / Y Y Y Y

In the  
State of

(c) 30-Day POST-Election Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

M M / D D / Y Y Y Y

In the  
State of

5. Covering Period

M M / D D / Y Y Y Y  
05 17 2012

through

M M / D D / Y Y Y Y  
06 30 2012

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer LOUIS G BAGLIETTO Jr.

Signature of Treasurer LOUIS G BAGLIETTO Jr.

[Electronically Filed]

Date

M M / D D / Y Y Y Y  
07 17 2012

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

Office  
Use  
Only**FEC FORM 3**  
(Revised 02/2003)

**SCHEDULE A (FEC Form 3)  
ITEMIZED RECEIPTS**Use separate schedule(s)  
for each category of the  
Detailed Summary PageFOR LINE NUMBER:  
(check only one)

PAGE 9 OF 39

<input type="checkbox"/> 11a	<input type="checkbox"/> 11b	<input type="checkbox"/> 11c	<input type="checkbox"/> 11d	<input type="checkbox"/> 15
<input type="checkbox"/> 12	<input checked="" type="checkbox"/> 13a	<input type="checkbox"/> 13b	<input type="checkbox"/> 14	<input type="checkbox"/> 15

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (in Full)  
**Liberators for Congress-2012**

<b>A.</b> Full Name (Last, First, Middle Initial) Phillip Laurence Liberators			Date of Receipt M M / D D / Y Y Y Y 05 / 17 / 2012	
Mailing Address 14702 Romero Dr			Transaction ID : SA13A.5378	
City Whittier	State CA	Zip Code 90605	Amount of Each Receipt this Period 50000.00	
FEC ID number of contributing federal political committee. C H0CA42175			LOAN	
Name of Employer Phillip C. Liberators CPA		Occupation Self	Amount of Each Receipt this Period 50000.00	
Receipt For: 2012 <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		Election Cycle-to-Date 900200.00		
<b>B.</b> Full Name (Last, First, Middle Initial) Phillip Laurence Liberators			Date of Receipt M M / D D / Y Y Y Y 05 / 22 / 2012	
Mailing Address 14702 Romero Dr			Transaction ID : SA13A.5388	
City Whittier	State CA	Zip Code 90605	Amount of Each Receipt this Period 50000.00	
FEC ID number of contributing federal political committee. C H0CA42175			loan	
Name of Employer Phillip C. Liberators CPA		Occupation Self	Amount of Each Receipt this Period 50000.00	
Receipt For: 2012 <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		Election Cycle-to-Date 950200.00		
<b>C.</b> Full Name (Last, First, Middle Initial) Phillip Laurence Liberators			Date of Receipt M M / D D / Y Y Y Y 05 / 30 / 2012	
Mailing Address 14702 Romero Dr			Transaction ID : SA13A.5389	
City Whittier	State CA	Zip Code 90605	Amount of Each Receipt this Period 100000.00	
FEC ID number of contributing federal political committee. C H0CA42175			loan	
Name of Employer Phillip C. Liberators CPA		Occupation Self	Amount of Each Receipt this Period 100000.00	
Receipt For: 2012 <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		Election Cycle-to-Date 1050200.00		
<b>SUBTOTAL of Receipts This Page (optional)</b>			200000.00	
<b>TOTAL This Period (last page this line number only)</b>				



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

March 8, 2013

Louis G. Baglietto, Jr., in official capacity as Treasurer  
Liberatore for Congress-2012

La Mirada, CA 90638

C00474114

AF#: 2617

Dear Mr. Baglietto:

On January 16, 2013, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Liberatore for Congress-2012 and you, in your official capacity as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file 48-Hour Notices for the 2012 California Primary Election. The Commission also made a preliminary determination that the civil money penalty was \$20,330 based on the schedule of penalties at 11 C.F.R. § 111.44.

After reviewing the written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination in this matter. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463. As a result of the anthrax threat in the Washington, DC area, US Postal Service mail delivery to federal agencies, including the Commission, has been interrupted. Until regular mail delivery resumes, you may also file your written response with the Commission Secretary via facsimile (202-208-3333) or by courier at the same address (if you use an overnight delivery service, please use zip code 20004 instead of zip code 20463). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,

Rhiannon Magruder  
Acting Reviewing Officer  
Office of Administrative Review

15092690844



# Phil Liberatore

CONSERVATIVE FOR U.S. CONGRESS ☒

**WE THE PEOPLE, WILL NOT BE SILENT**

*California's New 8th Congressional District*

Mono ★ Inyo ★ Eastern San Bernardino

## HEADING

March 27, 2013

Rhiannon Magruder

Acting Reviewing Officer

Office of Administrative Review

Regarding: AF#2617

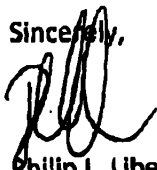
We received your letter dated March 8, 2013. This letter stated that a reminder email was sent to Louis Baglietto Jr. on May 9, 2012. This email was never sent to me. I was not apprised that I needed to report personal loans that I made to the campaign. Mr. Baglietto Jr. was negligent and caused this error to occur.

As a result, Louis G. Baglietto Jr. is no longer our Treasurer. We are in the processing of appointing a new Treasurer.

In light of this new information, I ask that the Federal Election Commission consider waiving the \$20,330.00 penalty. I truly appreciate your consideration.

I look forward to hearing from you.

Sincerely,



Philip L. Liberatore

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2013 MAR 29 P 2:38

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

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SECRETARIAT

2013 APR -3 PM 1:36

April 3, 2013

**SENSITIVE**

**MEMORANDUM**

To: The Commission

Through: Alec Palmer *AP*  
Staff Director

From: Patricia C. Orrock *PCO*  
Chief Compliance Officer

Rhiannon Magruder *RM*  
Acting Reviewing Officer  
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 2617 – Liberatore for Congress-2012 and Louis G. Baglietto, Jr., in his official capacity as Treasurer (C00474114)

On January 16, 2013, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file 48-Hour Notices for the 2012 California Primary Election and made a preliminary determination that the civil money penalty was \$20,330, based on the schedule of penalties at 11 C.F.R. § 111.44.

On February 25, 2013, the Commission received their written response ("challenge"). After reviewing the challenge, the Reviewing Officer Recommendation ("ROR") dated March 8, 2013 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that they violated 2 U.S.C. § 434(a) and based on the contributions requiring 48-Hour Notices disclosed on the 2012 July Quarterly Report (\$200,000 in candidate loans), assess a \$20,330 civil money penalty because they submitted no evidence that a factual error was made in the RTB finding, that the penalty was miscalculated at RTB or that they used best efforts to file on time. 11 C.F.R. § 111.35(b).

Within 10 days of transmittal of the recommendation, they may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the ROR. 11 C.F.R. § 111.36(f).

On March 29, 2013, after the 10 day response deadline, the Commission received a response to the ROR signed by the Candidate. The Candidate states that the May 9, 2012 Primary Election Report Notice email referenced in the ROR was sent to the Treasurer, who was

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"negligent and caused this error to occur." The Candidate explains he did not receive the email; thus, he was unaware of the 48-Hour Notice reporting requirement in connection with candidate loans. The Candidate further states that, as a result of the error, the Committee is in the process of appointing a new treasurer. The Candidate requests that the Commission consider waiving the civil money penalty.

As discussed in the ROR, given that candidate loans are defined as contributions pursuant to 11 C.F.R. § 100.52(a), 48-Hour Notices were required for the May 17, May 22, and May 30 candidate loans of \$50,000, \$50,000, and \$100,000, respectively, as they all exceeded \$1,000 and occurred during the May 17 to June 2 48-Hour Notice window for the 2012 California Primary. The Primary Election Report Notice, which includes the reporting requirements of 48-Hour Notices, was sent via email to the email address disclosed on the Committee's Statement of Organization and in accordance with Commission procedures.

While the Reviewing Officer recognizes the Candidate's statement that the Treasurer was negligent, the treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d). In addition, negligence is included at 11 C.F.R. § 111.35(d) as an example of a circumstance that will not be considered reasonably unforeseen and beyond the respondents' control. Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$20,330.

#### **OAR Recommendations**

- (1) Adopt the Reviewing Officer recommendation for AF# 2617 involving Liberatore for Congress-2012 and Louis G. Baglietto, Jr., in his official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2617 that Liberatore for Congress-2012 and Louis G. Baglietto, Jr., in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$20,330; and
- (3) Send the appropriate letter.

Acting Reviewing Officer: Rhiannon Magruder

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Final Determination Recommendation: ) AF 2617  
Liberatore for Congress-2012 and Louis )  
G. Baglietto, Jr., in his official capacity )  
as treasurer )

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on May 20, 2013, the Commission decided by a vote of 5-0 to take the following actions in AF 2617:

1. Adopt the Reviewing Officer recommendation for AF# 2617 involving Liberatore for Congress-2012 and Louis G. Baglietto, Jr., in his official capacity as treasurer, in making the final determination.
2. Make a final determination in AF# 2617 that Liberatore for Congress-2012 and Louis G. Baglietto, Jr., in his official capacity as treasurer, violated 2 U.S.C § 434(a) and assess a civil money penalty of \$20,330.
3. Send the appropriate letter.

Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

May 20, 2013  
Date

Shawn Woodhead Werth  
Shawn Woodhead Werth  
Secretary and Clerk of the Commission

13092690848



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 23, 2013

**VIA OVERNIGHT DELIVERY**

Louis G. Baglietto, Jr., in official capacity as Treasurer  
Liberatore for Congress-2012

Long Beach, CA 90814

C00474114  
AF#: 2617

Dear Mr. Baglietto:

On January 16, 2013, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Liberatore for Congress-2012 and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) for failing to file 48-Hour Notices for the 2012 California Primary Election. By letter dated January 17, 2013, the Commission sent notification of the RTB finding that included a civil money penalty calculated at RTB of \$20,330 in accordance with the schedule of penalties at 11 C.F.R. § 111.44. On February 25, 2013, the Office of Administrative Review received your written response, challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that Liberatore for Congress-2012 and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$20,330 in accordance with 11 C.F.R. § 111.44. A copy of the Reviewing Officer Recommendation (ROR) was sent to you on March 8, 2013.

On March 29, 2013, the Commission received your written response to the ROR. On May 20, 2013, the Commission adopted the Reviewing Officer's recommendation and made a final determination that Liberatore for Congress-2012 and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$20,330. It is based on the same factors used to calculate the civil money penalty at RTB. A copy of the final determination recommendation is attached.

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At this juncture, the following courses of action are available to you:

**1. If You Choose to Appeal the Final Determination and/or Civil Money Penalty**

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the district court of the United States for the district in which the committee or you reside, or transact business, requesting that the final determination be modified or set aside. See 2 U.S.C. § 437g(a)(4)(C)(iii). Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 CFR § 111.38.

**2. If You Choose Not to Pay the Civil Money Penalty and Not to Appeal**

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 *et seq.* If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact you to request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

Actions which may be taken to enforce recovery of a delinquent debt by Treasury may also include: (1) offset of any payments, which the debtor is due, including tax refunds and salary; (2) referral of the debt to agency counsel for litigation; (3) reporting of the debt to a credit bureau; (4) administrative wage garnishment; and (5) reporting of the debt, if discharged, to the IRS as potential taxable income. In addition, under the provisions of DCIA and other statutes applicable to the FEC, the debtor may be subject to the assessment of other statutory interest, penalties, and administrative costs.

In accordance with the DCIA, at your request, the agency will offer you the opportunity to inspect and copy records relating to the debt, the opportunity for a review of the debt, and the opportunity to enter into a written repayment agreement.

**3. If You Choose to Pay the Civil Money Penalty**

If you should decide to pay the civil money penalty, send the enclosed remittance form, along with your payment, to the address on page 4 within 30 days of receipt of this letter.

**NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS**

**4. Partial Payments**

If you make a payment in an amount less than the civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assessed upon making a final determination.

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**5. Settlement Offers**

If you make a payment in an amount less than the civil money penalty as an offer to settle or compromise a debt owed to the Commission, the offer is herewith rejected despite any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assessed upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 CFR § 111.42(b). Although the file must be placed on the public record within thirty (30) days from the date of the Commission's notification, this could occur at anytime following certification of the Commission's vote.

If you have any questions regarding the payment of the civil money penalty, please contact Rhiannon Magruder on our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Ellen L. Weintraub  
Chair

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**ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 C.F.R. § 111.44, the civil money penalty is \$20,330 for 48-Hour Notices for the 2012 California Primary Election.

This penalty should be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission  
PO Box 979058  
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox  
FEC # 979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

The form and payment are due within 30 days of receipt of this letter.

**PAYMENTS BY PERSONAL CHECK**

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**  
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FOR: Liberatore for Congress-2012

FEC ID#: C00474114

AF#: 2617

PAYMENT AMOUNT DUE: \$20,330

13092690852



FOR: Liberatore for Congress-2012

FEC ID#: C00474114

AF#: 2617

PAYMENT AMOUNT DUE: \$20,330

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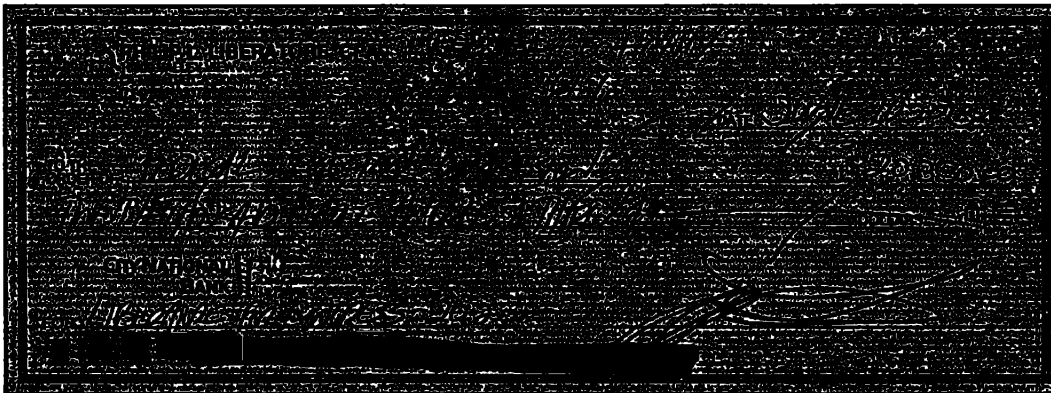
FEDERAL ELECTION COMMISSION

Lockbox: GLX-979058 Ledger Date 06/12/2013

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**usbank.**

St. Louis GA Lockbox  
(314) 425-1818



Batch	Item	TID	Batch Total	Amount
1	3	Y-4250677	\$21,140.00	\$20,330.00



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2617

DATE SCANNED 7/18/13

SCANNER NO. 2

SCAN OPERATOR EEJ

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